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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,464	09/18/2001	Morris E. Cohen	4018.016	7728
<div>7590 01/02/2009</div> <div>Morris E. Cohen Suite 217 1122 Coney Island Avenue Brooklyn, NY 11230-2345</div> <div>EXAMINER AKINTOLA, OLABODE</div> <div>ART UNIT 3691</div> <div>PAPER NUMBER</div> <div>MAIL DATE 01/02/2009</div> <div>DELIVERY MODE PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/955,464

**Applicant(s)**

COHEN, MORRIS E.

**Examiner**

OLABODE AKINTOLA

**Art Unit**

3691

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-15, 18 and 38-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 7-15, 18 and 38-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2008 has been entered.

### ***Status of Claims***

Claims 7-15, 18 and 38-58 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-15, 18, 38-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr. (US 5991749) in view Chang (US 5884288) and further in view of Lawlor et al (US 5220501).

Re claims 7-15, 18, 38-52: Morrill teaches a method comprising: providing access to a first webbank (*account*), said first webbank comprising a website hosted on a server for the use of a first webbank owner (*account owner*), wherein said first webbank has a webaddress (*account number*) associated therewith and is accessible by the said first webbank owner over the World Wide Web using said webaddress (col. 11, lines 40-47); and, wherein said first webbank owner has access to said first webbank to provide said first webbank with a second webaddress (*destination account number*), the second webaddress being a webaddress associated with a second webbank; wherein said second webaddress is the address of a website for a second webbank owner and also acts as an account number, such that said second webaddress acts as an addressable destination over the Internet for transfers of funds thereto (col. 11, lines 55-63); and wherein said provision of said second webaddress at said first webbank is used to cause funds to be transferred from said first webbank to said second webbank (col. 11, lines 63-66) (claims **7, 38, 46 and 51**); wherein said second webaddress is public webaddress listed in a public directory for any third party to use to send funds over the internet to said second webbank (col. 11, lines 59-60: *recipient's phone number*) (claims **10, 42-45 and 52**).

Morrill does not explicitly teach a website hosted on a bank server (claim 1); wherein said first webbank and said second webbank are both hosted on the bank server of the same bank (claims 8, 39 and 40); wherein said first webbank and said second webbank are both hosted on the bank

server of the different banks (claims 9 and 41); wherein said funds are transferred virtually instantaneously (claims 11 and 47); wherein said funds are transferred within five minutes (claim 12); wherein said funds are transferred within an hour (claim 13); wherein said funds are transferred between the first webbank and the second webbank at the time designated by said first webbank owner (claims 14 and 48); wherein said funds are transferred between the first webbank and the second webbank at the time designated by the said second webbank owner (claims 15 and 49); wherein said first webbank owner provides said second webaddress at said first webbank to view transaction records at said second webbank (claims 18 and 50).

However, Morrill teaches a website hosted on a server.

Chang teaches a payor bank having a web server that provides its customers or payors access to web pages which can be used to elicit settlement of bills using electronic bill payment system (col. 2, lines 59-65, col. 4, lines 38-43). Chang further teaches that a bank can be configured to represent the payee bank, payor bank, or both payee/payor bank (col. 10, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Morrill's server (*provider CPU*) to be that of a bank server since their functionalities are basically the same (i.e. providing access to users to facilitate fund transfer).

Lawlor teaches the concept of having the source account and destination account in the either the same bank or different banks (col. 50, lines 52-55) (claims **8-9 and 39-41**); wherein funds can be transferred immediately (col. 50, line 45) (claims **11 and 47**); wherein fund can be transferred at the time designated by the user (col. 50, lines 64 through col. 51, lines 18) (claims **12-15 and 48-49**); wherein said first webbank owner provides said second webaddress at said first webbank to view transaction records at said second webbank (col. 15, lines 30-41; col. 34, lines 26-28)

(claims **18 and 50**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Morrill to include the teachings of Lawlor for the obvious reason of allowing users to schedule fund transfer transaction at designated time (flexibility), thereby enhancing the functionality of the process.

Claims 53-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr. in view of Chang in view of Lawlor et al as applied to claims 7 above, and further in view of Olsen (USPAP 2001/0037295).

Re claims 53-58: Morrill does not explicitly teach wherein said funds are transferred in response to an invoice forwarded from said second webbank to said first webbank (claim 53); wherein said webbank system further comprises a system for forwarding an invoice from said second webbank to said first webbank (claim 54); wherein said system for transferring funds comprises a system for conducting said transfer of funds between said first webbank and said second webbank in response to said invoice forwarded from said second webbank to said first webbank (claim 55); wherein said system for forwarding invoices comprises a system for forwarding an electronic invoice from said second webbank to said first webbank (claim 56); wherein said system for forwarding invoices comprises a system for generating an electronic invoice and for forwarding said electronic invoice from said second webbank to said first webbank (claim 57); wherein said system for forwarding invoices comprises a system for generating an electronic invoice, for forwarding said electronic invoice from said second webbank to said first webbank, and for conducting said transfer of funds between said first webbank and said second webbank in

response to said electronic invoice forwarded from said second webbank to said first webbank (claim 58). Chang teaches transmitting outstanding bills (invoices) to a payor bank by one or more payees (col. 4, lines 38-43). Chang does not explicitly teach that the payor bank receives the invoice from the payee bank.

However, Olsen teaches the concept of transferring funds from a payer's bank to a biller's bank in response to an invoice forwarded from the biller's bank to the payer's bank (fig. 1, paragraph 0049-0050). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Morrill, Chang and Lawlor to include these features. One would have been motivated to do so in order to facilitate bank-to-bank presentment of bills and settlement.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schrader et al (US 5903881) teaches a personal online banking with integrated online statement and checkbook user interface (Figs 1-17, col. 15, lines 22 through col. 16, lines 39).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/  
Examiner, Art Unit 3691